

1 HB233  
2 139808-3  
3 By Representatives Buttram and Henry (Constitutional  
4 Amendment)  
5 RFD: State Government  
6 First Read: 12-FEB-13

SYNOPSIS: Under existing law, elected public officials are prohibited from participating in the Employees' Retirement System. Because of the prohibition, certain elected officials are granted supernumerary status when they are retired from public office.

This bill would propose an amendment to the Constitution of Alabama of 1901, which would phase out the current supernumerary program for certain elected officials in Cullman County and would allow elected or appointed Cullman County officials, as defined, to participate in the State Employees' Retirement System.

A BILL  
TO BE ENTITLED  
AN ACT

Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected or appointed public officials in Cullman County may participate in the

1 Employees' Retirement System in lieu of participating in a  
2 supernumerary program or system.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. The following amendment to the  
5 Constitution of Alabama of 1901, is proposed and shall become  
6 valid as a part of the Constitution when all requirements of  
7 this act are fulfilled:

8 PROPOSED AMENDMENT

9 No elected or appointed Cullman County official or  
10 sheriff may assume a supernumerary office after the effective  
11 date of this amendment. Any person who, on the effective date  
12 of this amendment, is entitled to participate in a  
13 supernumerary program may continue to participate in that  
14 supernumerary program, which shall include the assumption of a  
15 supernumerary office according to the terms and conditions of  
16 the law which established that supernumerary program. Every  
17 elected or appointed Cullman County official may participate  
18 in the Employees' Retirement System of Alabama upon the same  
19 terms and conditions as may be specified by law for any other  
20 employee in the same retirement system, and shall be treated  
21 as an employee of the county. Cullman County officials holding  
22 office at the time of the ratification of this amendment shall  
23 be eligible to purchase service credit in the Employees'  
24 Retirement System for the time the official has served in the  
25 current office. No person may participate in both a  
26 supernumerary program and the Employees' Retirement System  
27 based on the same service. For the purposes of this amendment,

1 the words "elected or appointed Cullman County official" shall  
2 include any person appointed to serve the remaining term of an  
3 elected or appointed Cullman County official. The words do not  
4 include a judge, county commissioner, district attorney,  
5 legislator, constable, school board member, or any official  
6 elected from a judicial circuit.

7 Section 2. An election upon the proposed amendment  
8 shall be held at the 2014 General Election in accordance with  
9 Amendment 555 to the Constitution of Alabama of 1901, now  
10 appearing as Section 284.01 of the Official Recompilation of  
11 the Constitution of Alabama of 1901, as amended, and the  
12 election laws of this state.

13 Section 3. The appropriate election official shall  
14 assign a ballot number for the proposed constitutional  
15 amendment on the election ballot and shall set forth the  
16 following description of the substance or subject matter of  
17 the proposed constitutional amendment:

18 "Relating to Cullman County, proposing an amendment  
19 to the Constitution of Alabama of 1901, to phase out the  
20 supernumerary system for certain public officials and allow  
21 elected or appointed county officials, as defined, to  
22 participate in the Employees' Retirement System.

23 "Proposed by Act \_\_\_\_\_"

24 This description shall be followed by the following  
25 language:

26 "Yes ( ) No ( )."